

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRYOVAC, INC.,)	
)	
Plaintiff/Counter-Defendant.)	Civil Action No. 04-1278-KAJ
)	
vs.)	
)	
PECHINEY PLASTIC PACKAGING, INC.,)	
)	
Defendant/Counter-Plaintiff.)	
)	

**STIPULATION REGARDING EVENTS TAKING PLACE
AFTER AUGUST 19, 2005 DISCOVERY CUT-OFF**

The parties through their respective counsel hereby stipulate as follows:

1. Pursuant to this Court's Scheduling Order entered December 14, 2004, all discovery in this case must be completed by August 19, 2005.
2. On June 14, 2005, Plaintiff/Counter-Defendant Cryovac, Inc. ("Cryovac") noticed the deposition of Defendant/Counter-Plaintiff Pechiney Plastic Packaging, Inc. ("Pechiney") executive Richard Company. To accommodate Mr. Company's work schedule, the parties agreed that Mr. Company's deposition shall take place on August 23, 2005, in Chicago, Illinois.
3. On August 2, 2005, Pechiney served subpoenas for documents and deposition on both National Beef Packaging Company, LLC ("National Beef") and National Beef employee Terry Wilkerson. On August 8, 2005, Cryovac served a subpoena for documents and deposition on National Beef. On August 14, 2005, Cryovac served a subpoena on National Beef employee, Steven James. To accommodate Mr. Wilkerson's work schedule, the parties agreed that Mr. Wilkerson's deposition shall take place on August 24, 2005, in Kansas City, Missouri. To

accommodate Mr. James' work schedule, the parties agreed that Mr. James' deposition shall take place on September 7, 2005 in Liberal, Kansas.

4. On August 4, 2005, Pechiney noticed the second deposition of Cryovac damages expert James J. Nawrocki. To accommodate Mr. Nawrocki's work schedule, the parties agreed that Mr. Nawrocki's second deposition shall take place on September 1, 2005 in Washington, D.C.

5. In its response to Pechiney's document requests numbers 13 and 14, Cryovac stated that it would allow Pechiney's counsel to conduct a search of publications responsive to these document requests in publication archives located in Cryovac's technical library in Duncan, South Carolina. On August 5, 2005, Pechiney requested that it be permitted to conduct such a search. To enable the requested search to coincide with depositions proceeding in South Carolina the week of August 15, 2005 and based on the dates and times Cryovac's library is open for use, the parties agreed that the search would proceed on August 22, 2005.

6. The parties agree that all other dates in the Court's Scheduling Order shall not be affected by this Stipulation and shall remain unchanged. Accordingly, Cryovac and Pechiney consent to the entry by the Court of this Stipulation.

CRYOVAC, INC.

Dated: August 18, 2005

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One of its Attorneys

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PECHINEY PLASTIC PACKAGING, INC.

Dated: August 18, 2005

By: /s/ N. Richard Powers
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SO ORDERED.

Dated: _____

Honorable Kent A. Jordan
United States District Judge